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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,900	01/18/2002	Jonathan Edwards	1011/1	9126
58293 7590 11/29/2007 FORTKORT & HOUSTON P.C. 9442 N. CAPITAL OF TEXAS HIGHWAY ARBORETUM PLAZA ONE, SUITE 500 AUSTIN, TX 78759			EXAMINER GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	
			MAIL DATE	DELIVERY MODE
			11/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/052,900	EDWARDS, JONATHAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Matthew S. Gart	3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 August 2007 and 27 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 8/21/2007. These drawings are accepted by the Examiner.

### ***Response to Amendment***

The objections to claims 6, 8 and 10 are vacated in view of applicant's claim amendment of 8/21/2007.

The rejection of claim 2 under 35 U.S.C. 101 is vacated in view of applicant's claim amendment of 8/21/2007.

### ***Response to Affidavit***

The affidavit filed on 8/24/2007 under 37 CFR 1.131 is sufficient to overcome the Hare et al. (U.S. Patent No. 6,850,900) reference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 4 and 6-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner (U.S. Patent No. 5,758,327).**

Referring to claim 1, Gardner discloses a method of providing electronic procurement to a purchasing entity comprising:

accessing a database containing variable elements of an on-line catalog, the elements including items supplied by a vendor (Gardner: column 5, lines 23-43);

constructing an electronic catalog having one or more pages by selecting elements to be included in the pages, and providing commercial terms applicable to the included elements, where the selecting and providing steps are performed consistent with contract terms between the purchasing entity and the vendor (Gardner: column 5, lines 23-43);

providing electronic access to the catalog to users authorized by the purchasing entity (Gardner: column 5, lines 13-22); and

providing a selected page of the catalog to the user in response to user input (Gardner: column 5, lines 44-57).

Referring to claim 2, Gardner discloses a system for an electronic procurement site comprising:

an access interface to access and read from a database containing variable elements of an on-line catalog, the elements including items suppliable by a vendor (Gardner: column 5, lines 24-57 and column 6, lines 14-25);

a plurality of web documents stored on electronic media forming pages of an electronic catalog, the web documents generated from elements selected in accordance with contract terms between a purchasing entity and the vendor, and at least one web document containing commercial terms applicable to the selected elements (Gardner: column 5, lines 24-57 and column 6, lines 14-25);

a web server for providing electronic access to the catalog to users authorized by the purchasing entity (Gardner: column 5, lines 24-57 and column 6, lines 14-25);

Referring to claim 4, the limitations of claim 4 closely parallels those set forth above in claims 1 and 2.

Referring to claim 6, the limitations of claim 6 closely parallels those set forth above in claims 1 and 2. Gardner further discloses tracking the order from the user, and reporting the status of the tracked order from the user (Gardner: column 8, lines 52-57).

Referring to claim 7, the limitations of claim 7 closely parallels those set forth above in claims 1 and 2.

Referring to claim 8, the limitations of claim 8 closely parallels those set forth above in claims 1 and 2.

Referring to claim 9, the limitations of claim 9 closely parallels those set forth above in claims 1 and 2.

Referring to claim 10, the limitations of claim 10 closely parallels those set forth above in claims 1 and 2.

Referring to claim 11, the limitations of claim 11 closely parallels those set forth above in claims 1 and 2.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner (U.S. Patent No. 5,758,327) in view of Wong (U.S. Patent No. 5,890,175).**

The limitations of claim 3 closely parallels those set forth above in claim 1. However, Gardner does not expressly disclose the providing of an electronic shopping basket function. Wong discloses this (Wong: Fig. 15).

At the time of invention it would have been obvious to one of ordinary skill in the art to have modified the method of Gardner to have included the shopping basket functionality of Wong because there is a demand for computer systems that can process increased transaction volume (Wong: column 1, lines 20-25).

Referring to claim 5, the limitations of claim 5 closely parallels those set forth above in claim 1.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

King, Jr. et al., U.S. Patent No. 5,319,542, June 7, 1994, discloses a system for ordering items using an electronic catalogue.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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10/052,900  
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